Malek Harrison
242-19 135th Avenue
Rosedale, NY 11422

June 30, 2014

VIA REGULAR MAIL

Honorable Judge Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Harrison v. State of New York, et al*
Docket No.: CV 14-01296

Honorable Judge Bianco:

I, Malek Harrison, pro se plaintiff in the above-entitled matter, do, respectfully, submit this letter in response to defendant Geoffrey Prime's June 24, 2014 letter requesting that the Honorable Judge issue an order "striking plaintiff's 'sur-reply', or in the alternative grant him leave to file additional papers to address the arguments raised therein. Plaintiff assures the Court that his sur-reply to Defendant's Reply in Further Support of Motion to Dismiss was submitted in good faith and without prior knowledge of the rules regarding such limitations pertaining to the number of responses required or permitted. Plaintiff took careful consideration in his reply not to raise any new arguments, but only to expound upon the arguments made in the complaint to bring light to the facts that helped to generate his claims and to rebut the claim made by Defendant that there was no basis for such claims. There is a great many of Court rulings supporting such allowances given to pro se litigants by the Court on the issue of latitude given, e.g., "We now consider whether respondent's complaint states a cognizable 1983 claim. The handwritten pro se document is to be liberally construed. As the Court unanimously held in Haines v. Kerner, 404 U.S. 519 (1972), a pro se complaint, "however in-artfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Id., at 520-521, quoting Conley v. Gibson, 355 U.S. 41,45-46 (1957)." Hughes v. Rowe et al. 449 U.S. 5, 101 S. Ct. 173,66 L. Ed. 2d 163,49 U .S.L. W .3346.

> "All pleadings shall be so construed as to do substantial justice." Haines v. Keaner, et al. 404 U.S. 519,92 s. Ct. 594,30 L. Ed. 2d 652. "Rule 8(f) provides that 'pleadings shall be so construed as to do substantial justice.' We frequently have stated that pro se pleadings are to be given a liberal construction."Estelle, Corrections Director, et al. v. Gample 29 U .S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251.

Respectfully submitted,

Many judges give pro se litigants considerable leeway, in light of their lack of legal expertise. See, e.g., Pabon v. Wright, 459 F.3d 241 (2d Cir. 2006) (allowing pro se plaintiff to argue Fourteenth Amendment due process claim on appeal despite plaintiff's failure to present the argument at the lower court); Ohuche v. Merck & Co., Inc., 2012 U.S. Dist. LEXIS 147483 (S.D.N.Y. Oct. 12, 2012) (plaintiff's complaint "must be construed to raise the strongest arguments possible"); Brin v. Kansas, 101 F. Supp. 2d 1343 (D. Kan. 2000) (relaxing service requirements for pro se litigant). This can be particularly true in class actions, where judges may issue orders regarding notice "to protect class members and fairly conduct the action." See Fed. R. Civ. P. 23(d)(1)(B).

To nullify any possibility of unfairness to Defendant Prime, Plaintiff prays that the Honorable Judge grants Prime leave to file additional papers in response to Plaintiffs 'sur-reply' and that all the facts presented be considered as a basis for the Court's ruling. Plaintiff's only hope is to have all the facts presented and that he has a fair opportunity to present his case further to a jury of his peers.

Respectfully submitted,

Malek Harrison

Malek Harrison

cc: All Defendants (via regular mail)
Personal file

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